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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,089

01/25/2007

Teruo Tamada

KYFW-1 US

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Vern Maine & Associates
100 MAIN STREET
P O BOX 3445
NASHUA, NH 03061-3445

EXAMINER

HERNANDEZ, MICHAEL

ART UNIT

PAPER NUMBER

3612

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/596,089	Applicant(s) TAMADA, TERUO	
	Examiner MIKE HERNANDEZ	Art Unit 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 5-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/10/07</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Note: Claims 1-4 have been cancelled in the preliminary amendment filed 5/30/2006. New claims 5-14 remain in the application.

Claim Objections

2. **Claims 5, 6, and 7 are objected to** because of the following informalities: The claims recite "recessed groves". It is assumed the word 'groves' should read 'grooves', as based on the wording in the specification. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 5, 9, and 14 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 5,033,593 to Kazuhito.

Regarding claim 5, Kazuhito shows (Fig 1) a vehicle shock absorber having first and second ends, said shock absorber comprising: opposing first and second walls (5); said first wall disposed apart from said second wall (distance H); a shock receiving surface (2) at said first end connecting said first and second walls; a plurality of recessed grooves (4) spaced substantially equally disposed in said first and second walls, and substantially perpendicular to said shock receiving surface; and said recessed grooves extending from said shock receiving surface to said second end.

As to claim 9, Kazuhito shows first and second peripheral walls (2) connecting said first and second walls.

As to claim 14, Kazuhito shows the shock receiving surface has a first edge joined to said first wall, and a second edge joined to said second wall; a distance between said first and second edges being not greater than a length of said first edge.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claim 6 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Kazuhito.

Kazuhito discloses a vehicle shock absorber as applied to claim 1 previously. It is an obvious engineering expedient to align the recessed grooves in an alternating orientation to tailor crush characteristics as desired or needed. Therefore it would have been obvious, given the device of Kazuhito to have a first groove disposed between second and third grooves on the opposite wall.

7. **Claims 7 and 10 through 13 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Kazuhito in view of US Pat No 5,382,051 to Glance.

Regarding claims 7 and 10, Kazuhito discloses a vehicle shock absorber as applied previously including semi-arc notches formed in the shock receiving surface by the recessed grooves. Kazuhito fails to disclose a parting line due to blow molding.

Glance teaches a blow molded vehicle shock absorber. It is inherent that blow molded plastic will have a parting line, often accompanied by flash that is then removed.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device described by Kazuhito with a parting line created during blow molding, as taught by Glance, in order to control deformation characteristics. Additionally, Kazuhito discloses (Col 2 Ln 53-56) the recessed grooves are created by hydroforming. Hydroforming is similar to blow molding and would be an obvious alternative given the type of materials used, such as plastic by Glance.

As to claim 11, Glance teaches (Col 3 Ln 50-61) the shock absorber is thermoplastic.

As to claims 12 and 13, selecting the physical characteristics of the thermoplastic, as well as the composition, is an obvious modification given the material taught by Glance.

8. **Claim 8 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Kazuhito in view of US Pat No 3,995,901 to Filbert, Jr. et al.

Kazuhito discloses a vehicle shock absorber as applied previously, however fails to disclose the shock absorber disposed between a bumper and a facia.

Filbert, Jr. et al. teaches (Fig 5) a vehicle shock absorber configured to be interposed between a bumper beam and a bumper facia, such that said shock receiving surface is disposed proximate said bumper facia.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device described by Kazuhito by being disposed

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between the bumper and the facia, as taught by Filbert, Jr. et al., in order to absorb frontal impacts.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The attached references show similar structure to the present invention including locations of vehicle shock absorbers within headliners, between bumper beams and facias, and within doors. The prior art also shows various forms of recessed grooves. Note that the use of foam may be an obvious alternative to using a sealed air cavity.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MIKE HERNANDEZ whose telephone number is (571)272-2354. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dennis H. Pedder/
Primary Examiner, Art Unit 3612

/MIKE HERNANDEZ/
Examiner, Art Unit 3612